

REMARKS

Claim 1 has been amended to include the language of claim 10. Claim 27 has been amended in a similar manner. Claim 10 has been cancelled. Claims 14 and 21-26, directed to non-elected subject matter, have also been cancelled. Claim 17 has been amended to correct the informality noted by the Examiner.

Claims 1-12, 15-20 and 27-30 have been rejected under 35 U.S.C. §102 as being anticipated by Watson. Applicants will discuss this rejection as it pertains to claim 10, the language of which has been added to independent claims 1 and 27.

The Examiner contends, with respect to claim 10, that "the sorbant (reservoir) materials of Watson are foams because they are porous substances," and directs Applicants' attention to col. 4, lines 38-44. The text at col. 4, lines 38-44 reads as follows:

the type of organic materials which may suitably be employed for forming the reservoir varies widely. The principal criterion is that the material must be capable of holding the propellant in solution, as opposed to merely absorbing propellant into the pores of the material in which case the propellant remains in the form of the pure liquid propellant.

Applicants disagree that this text, taken in context, teaches or fairly suggests that Watson's reservoir includes a foam. The mere statement that the material has pores would not have suggested to the artisan that it is a foam, i.e., a material in a lightweight cellular form resulting from introduction of gas bubbles during manufacture.¹ The term "pore" does not in itself denote or connote a foam, as many porous materials are not "foams." For example both microporous polymer films and human skin contain pores, and yet neither is a foam. Nor is there anything else in the lengthy text of the Watson patent that would suggest to the artisan that the reservoir include a foamed or fibrous material.

Claim 13 has been rejected as unpatentable over Watson in view of de LaForcade and Villars. These secondary references do not supply that which is lacking in Watson, i.e., a

¹ See Merriam Webster's Online Dictionary, 10th Edition, www.m-w.com.

Applicant : Antoine Kawam et al.
Serial No. : 10/034,966
Filed : December 26, 2001
Page : 7 of 7

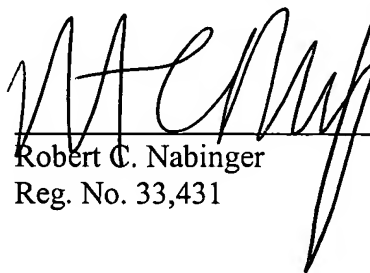
Attorney's Docket No.: 00216-529001 / T-681

teaching or suggestion of a sorbant comprising a foam or fibrous material. Thus, claim 13 is patentable for at least the reasons discussed above.

In view of the above, Applicants respectfully submit that the claims are in condition for immediate allowance, which is respectfully requested.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



Robert C. Nabinger
Reg. No. 33,431

Date: November 13, 2003

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906